

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

MICHAEL WESLEY

PLAINTIFF

V.

CASE NO. 4:17-CV-04013

DEPARTMENT OF
VETERAN'S AFFAIRS, *et al.*

DEFENDANTS

ORDER

Before the Court is Plaintiff's Motion to Reconsider. ECF No. 5. Plaintiff asks the Court to reconsider the order of the Honorable Barry A. Bryant transferring this matter to the United States District Court for the Southern District of Georgia. Judge Bryant found that the Western District of Arkansas was the improper venue and transferred the case to the Southern District of Georgia in the interest of justice, pursuant to 28 U.S.C. § 1406(a). ECF No. 4.

When a case is transferred to a new district and "the papers are lodged with the clerk of the transferee court, the transferor court and the appellate court for the circuit in which that court sits lose jurisdiction over the case and may not proceed further with regard to it." 15 CHARLES ALAN WRIGHT, ARTHUR R. MILLER, EDWARD H. COOPER, & RICHARD D. FREER, FEDERAL PRACTICE AND PROCEDURE § 3846 (4th ed. 2013). In the present case, this matter was transferred to the Southern District of Georgia on March 23, 2017. On March 24, 2017, the case was opened in the Southern District of Georgia and given case number 1:17-CV-00035. The instant Motion to Reconsider was subsequently filed on March 31, 2017. ECF No. 5. Thus, because the present motion was filed after this case was transferred to and opened in the Southern District of

Georgia, the Court lacks jurisdiction over this matter and Plaintiff's Motion to Reconsider should be denied.

Therefore, for the foregoing reasons, the Court finds that Plaintiff's Motion to Reconsider (ECF No. 5) should be and hereby is **DENIED**.

IT IS SO ORDERED this 25th day of April, 2017.

/s/ Susan O. Hickey
Susan O. Hickey
United States District Judge